

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

DAYTON SUPERIOR CORP.,

:

Plaintiff,

vs

:

Case No. 3:16-cv-425

District Judge Thomas M. Rose

JEFF COLE,

Defendant.

:

ORDER OF DISMISSAL: TERMINATION ENTRY

The Court having been advised that the above matter has been settled, IT IS ORDERED that this action is hereby DISMISSED, without prejudice, provided that any of the parties may, upon good cause shown within thirty (30) days, reopen the action if settlement is not consummated.

Parties may submit a substitute Judgment Entry once settlement is consummated within the thirty (30) day period. Parties intending to preserve this Court's jurisdiction to enforce the settlement should be aware of *Kokkonen v. Guardian Life Ins. Co. of America*, 114 S.Ct. 1673 (1994), and incorporate appropriate language in any substituted judgment entry. The Court will retain jurisdiction to enforce the terms of the settlement between the parties, if necessary.

IT IS SO ORDERED.

s/Thomas M. Rose

Date: November 4, 2016

Thomas M. Rose, Judge
United States District Court